

RIKER DANZIG SCHERER HYLAND & PERRETTI LLP

Headquarters Plaza

One Speedwell Avenue

Morristown, NJ 07962-1981

(973) 538-0800

Attorneys for Third-Party Defendants, Winter Harbor, LLC and Stuart W. Noyes

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MADAN N. RAMCHARAN, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

A.F.L. QUALITY, INC., d/b/a AFL WEB  
PRINTING, AFL HOLDING LLC, AFL  
PRINTING, INC., DGF INC., AFL  
QUALITY NY, LLC, WESTBURY  
PARTNERS and WESTBURY  
INVESTMENT PARTNERS, SBIC LP,

Defendants.

WESTBURY INVESTMENT PARTNERS  
SBIC, LP

Third-Party Plaintiff

vs.

WINTER HARBOR, LLC, PNC BANK,  
NATIONAL ASSOCIATION, and  
STUART W. NOYES,

Third-Party Defendants

Civil Action No. 1:12-cv-7551-RMB-AMD

**NOTICE OF MOTION TO DISMISS  
WESTBURY INVESTMENT  
PARTNERS SBIC, LP'S THIRD-PARTY  
COMPLAINT**

**Document Electronically Filed**

**Return Date: November 3, 2014**

TO: Ralph R. Smith, 3rd, Esq.  
Capehart & Scatchard, P.A.  
8000 Midlantic Drive, Suite 300S  
Mount Laurel, New Jersey 08054  
Attorneys for Defendant/Third-Party Plaintiff,  
Westbury Investment Partners SBIC, LP

COUNSEL:

PLEASE TAKE NOTICE that on Monday, November 3, 2014, at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned counsel for Third-Party Defendants, Winter Harbor, LLC and Stuart W. Noyes (collectively "Winter Harbor"), will move before the Honorable Renee Marie Bumb, U.S.D.J., United States District Court for the District of New Jersey, at the Mitchell H. Cohen United States Courthouse, 1 John F. Gerry Plaza, Fourth & Cooper Streets, Camden, New Jersey, for an Order dismissing Westbury Investment Partners SBIC, LP's Third-Party Complaint against Winter Harbor in its entirety pursuant to Fed.R.Civ.P. 12(b)(1) and Fed.R.Civ.P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of this motion, Winter Harbor shall rely upon the brief filed herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

s/Scott A. Ohnegian (S04799)  
Riker, Danzig, Scherer, Hyland & Perretti, LLP  
Headquarters Plaza  
One Speedwell Avenue  
Morristown, New Jersey 07962-1981  
Phone: (973) 451-8551  
Fax: (973) 451-8703  
sohnegian@riker.com  
Attorneys for Third-Party Defendants,  
Winter Harbor, LLC and Stuart W. Noyes

Dated: October 8, 2014